



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 01/09/2017

ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

DANIEL H. OLINER
phone: (212) 356-2329
fax: (212) 356-3509
doliner@law.nyc.gov

January 6, 2017

BY ECF

Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: Alejandro v. City of New York, et al.
15-CV-06482 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the Office of the Corporation Counsel, and assigned to represent defendant The City of New York (hereinafter referred to as “Defendant”) in the above-referenced matter. I write on behalf of the parties to respectfully: (1) provide a status report as to the Civilian Complaint Review Board’s (“CCRB”) prosecution of the individual defendant, Lieutenant Jorge Tavarez; and, (2) request that the stay of this matter be continued for an additional 45 days, to and including February 20, 2017.

By way of background, plaintiff alleges, *inter alia*, that on or about June 29, 2014, he was falsely arrested and subjected to excessive force. See generally, Complaint. Plaintiff names the City of New York, Lieutenant Jorge Tavarez (hereinafter referred to as “Lt. Tavarez”), and unidentified police officers as defendants. The CCRB’s Administrative Prosecution Unit (“APU”), is currently prosecuting this matter. The assigned prosecutor, Executive Agency Counsel Jonathon Fogel, informs the parties that a final decision in this matter is anticipated sometime within the next several months. Although it is Defendant’s position that the stay should be continued until such time as the final decision on this matter is reached, the parties have agreed to respectfully request that the stay of this matter be continued for an additional 45 days while the final decision is pending. In the meantime, the parties have begun settlement discussions, and are hopeful that this matter will be resolved within the same 45 days.¹

¹ Upon information and belief, negotiations will likely be somewhat delayed by the undersigned’s schedule in January. Specifically, the undersigned is scheduled to begin a trial Continued...

Accordingly, and for the reasons set forth in Defendant's Letter dated November 13, 2015, the parties respectfully request that the stay of this matter be continued to and including February 20, 2017, and respectfully propose that the parties be permitted to file a status report on both the progress of the CCRB's prosecution and settlement negotiations on or before February 20, 2017.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Daniel H. Oliner
Assistant Corporation Counsel
Special Federal Litigation Division


cc: Baree Nichole Fett
Harvis & Fett LLP
Attorneys for plaintiff
(via ECF)

The parties' joint request that the stay of this action be continued is granted. This action is stayed until February 20, 2017. The parties are ordered to submit a joint letter to the Court via ECF updating the Court on the status of this action by February 13, 2017.

Plaintiff is directed to serve a copy of this order on all defendants who are not represented by counsel in this action and to retain proof of service.

SO ORDERED.

Dated: January 9, 2017
New York, New York



GREGORY H. WOODS
United States District Judge

before the Hon. Lorna G. Schofield, United States District Judge, on January 10, 2017. The trial is anticipated to last several days. Thereafter, the undersigned will be out of the Office on a previously-scheduled vacation from January 18, until January 22, 2017. Accordingly, plaintiff's counsel has graciously agreed to the timeframe requested so that we may attempt to resolve this matter during same.